

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

**JOSE RICO,
Plaintiff,**

v.

**MARTIN O'MALLEY, Commissioner
of the Social Security Administration,¹
Defendant.**

§
§
§
§
§
§
§
§

EP-22-CV-263-DB

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE**

On this day, the Court considered the “Report and Recommendation” (“R & R”) filed in the above-captioned case by United States Magistrate Judge Miguel A. Torres (“Judge Torres”) on February 8, 2024. R & R, ECF No. 18. Therein, Judge Torres recommends that the District Court affirm the Commissioner’s decision denying Plaintiff’s application. *Id.* at 1.


Because neither the Plaintiff nor the Commissioner objected to Judge Torres’s R & R, the Court has reviewed the R & R for clear error. *See Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1). As the Court finds no clear error, the R & R will be approved and adopted in full. The Commissioner’s decision will be affirmed, consistent with Judge Torres’s recommendation.

Accordingly, **IT IS HEREBY ORDERED** that United States Magistrate Judge Miguel A. Torres’s “Report and Recommendation,” ECF No. 18, is **APPROVED** and **ADOPTED**.

¹ Martin O’Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O’Malley should be substituted for Kilolo Kijakazi as the defendant in this suit.

IT IS FURTHER ORDERED that the Commissioner's decision is **AFFIRMED**.

SIGNED this 23 day of **February 2024**.



THE HONORABLE DAVID BRIONES
SENIOR UNITED STATES DISTRICT JUDGE